



MEMORANDUM

TO: District Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: September 8, 2009

SUBJECT: BZA Application # 17967 – Request for area variance and special exception relief to accommodate multiple roof enclosures at 1667 Good Hope Road SE

I. APPLICATION-IN-BRIEF

The Applicant has requested:

- Special exception relief pursuant to § 411.11 to permit multiple roof enclosures of non-uniform heights. In recent cases, OP has identified the appropriate relief for the roof structure setback requirement to be area variance rather than special exception relief (as the application here requests).¹ As a result, OP's review is based on an examination of the variance standards of § 3103 concerning relief from § 770.6.
- Area variance relief pursuant to § 2001.3 for additions to a non-conforming structure

II. RECOMMENDATION

OP **recommends approval** of variance and special exception relief for the roof structures, and variance relief pursuant to § 2001.3 for additions to a non-conforming structure.

III. PROPOSAL

The Applicant proposes to renovate and reconfigure a vacant three story apartment building. The building's existing 27 apartments would be converted into an "all-affordable residential building containing 17 apartments and 26 single-occupancy rooms" that would cater to an elderly population. As part of the renovation, the application proposes that new stairway and elevator enclosures be constructed on the building's roof. The new elevator enclosure would rise 15' high and the new stairway enclosure would be 8'10" tall. Currently, the building has one stairway enclosure on the roof, so there would be a total of three roof structures based on the proposal. The application also proposes to construct a trellis adjacent to the proposed elevator enclosure. Although not shown in the application, the Applicant also has indicated that two new surface parking spaces would be located on-site and would be accessible from the alley.

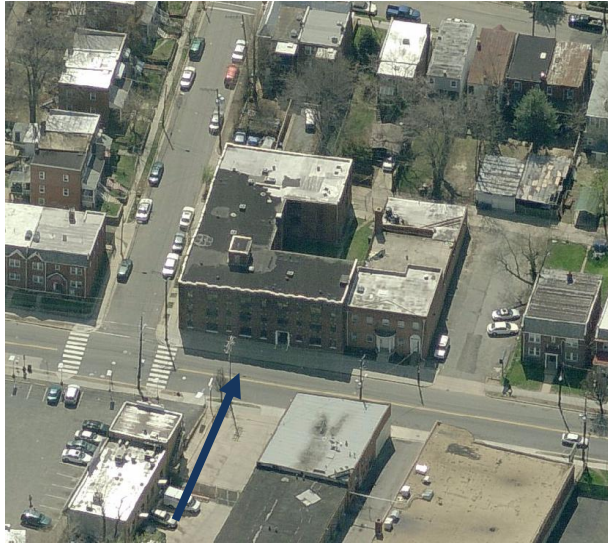
IV. SITE DESCRIPTION

The subject site is Lot 894 in Square 5765 (hereinafter, the "Property"). The Property is rectangular in shape, measuring 88' by 122', and spans 10,736 square feet. It is improved with a three-story pre-1958 apartment building. Generally, the Property borders Good Hope Road SE to the north, Fendall Street SE to the east, a 16' wide public alley to the south, and a two story commercial building to the west.

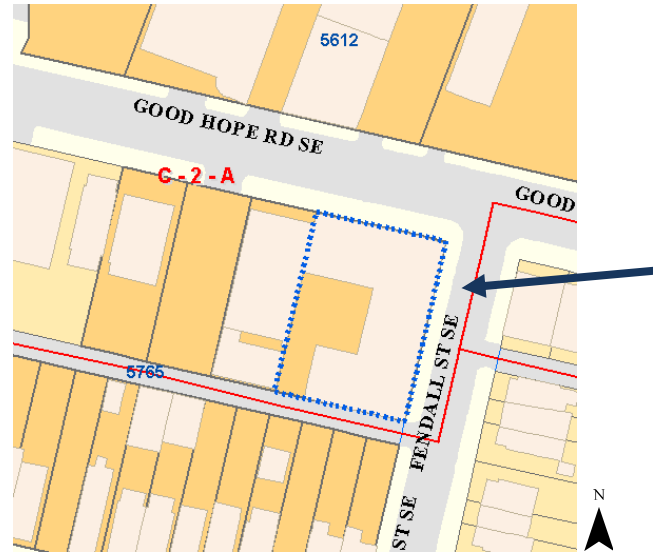
Square:	5765	Lots:	894	Lot Area:	10,736 square feet
Zone:	C-2-A	Location:	1667 Good Hope Road	Quadrant:	Southeast
ANC:	8A	Current use:	Vacant	Alley:	Rear 16' wide alley
Historic District:	N/A				

¹ See BZA Case Numbers 17809 and 17843.





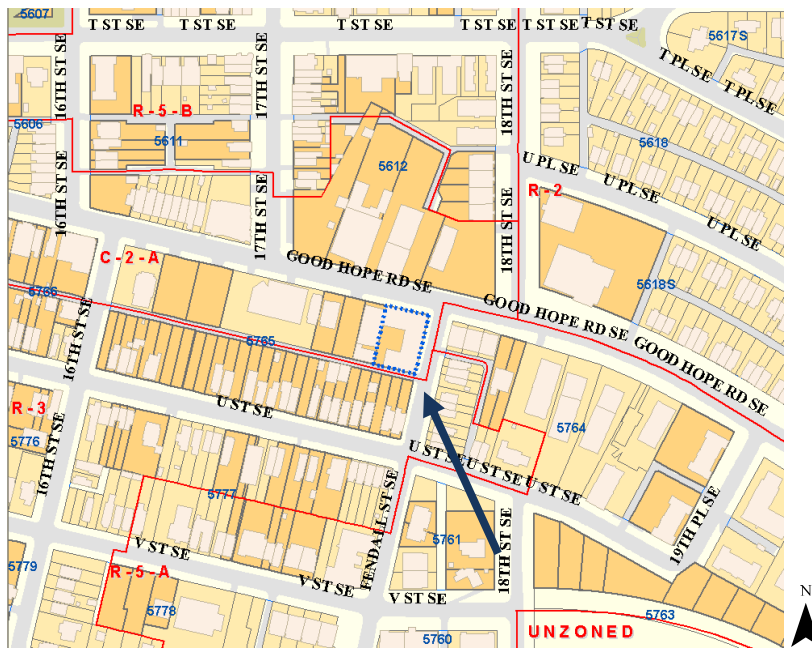
View of the site looking south across Good Hope Road



Aerial view of the site

V. AREA DESCRIPTION

Square 5765 is split zoned C-2-A and R-3. In general, the area to the south of the Property is characterized by single family residences and multi-family residential uses, whereas low and moderate density commercial uses are concentrated along Good Hope Road.



VI. ZONING REQUIREMENTS

The Property is zoned C-2-A, which permits multi-family residential use. The Applicant indicates that Single Room Occupancy (SRO) units are permitted by right in C-2-A Districts.² The proposed roof

² The Applicant provided to OP that the SROs would have shared kitchen and bathroom facilities, but that the habitable units would be under exclusive control of the tenant. Further, the SROs would be leasable to tenants for multi-month terms. The Applicant also used the "Rooming or Boarding House" parking standard, in addition to the "Apartment house or multiple dwelling" parking standard (§ 2101), to determine that the Property would comply with applicable parking requirements. The Zoning Administrator ultimately would review the project's compliance with use and parking standards.

enclosures do not conform as to their number (§ 411.3), uniformity of height (§ 411.5), or setbacks from external walls (§ 770.6(b)). The existing building also currently exceeds the permissible lot occupancy; although no increase in lot occupancy has been proposed the Applicant has requested relief from (§ 2001.3) for the new rooftop structures. Below are certain specifications for the site:

C-2-A Zone	Regulation	Existing	Proposed ³	Relief
Height (ft.) § 770.1 (building)	50' max.	33'	33'	Conforms
Height (ft.) § 770.6(d) (roof structures)	18'6" max.	8'9"	15', 8'10", 8'9"	Conforms
Parking Spaces (number) § 2101	1 for each 2 dwelling units (apt. house) 1 plus 1 for each 5 rooming units (rooming house)	0	2	Conforms: Applicant indicates that the site has a "parking credit" of 14 spaces; only 1 parking space would be required ⁴
Lot occupancy (building area/lot area) § 403	60% max.	73%	73%	Exceeds maximum lot occupancy
Roof structure setback (ft.) § 770.6(b)	Elevator enclosure (proposed height is 15')	-	14'3" to external northern wall; 10' to courtyard wall	9" deficient to external northern wall 5' deficient to courtyard wall
	Stairway enclosure (proposed height 8'9")	-	5'11" to courtyard wall	2'10" deficient to courtyard wall

VII. OP ANALYSIS

Special Exception Relief: § 411.11

The application requests special exception relief under § 411.11 from the single-enclosure and uniform height requirements for roof structures. Section 411.11 allows the Board to grant special exception relief to §§ 411.3 and 411.5 "where impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable...."

Section 411.3 requires that all roof mechanical equipment be placed in one enclosure and that the enclosure closely match the appearance of the main structure. The application proposes that two new roof structures are needed to provide adequate access to a proposed rooftop terrace: an elevator structure to make the roof terrace more accessible to seniors and handicapped individuals, and a new stairway structure to address safety and emergency access concerns. While the stairway locations are fixed, the proposed renovation would place the elevator bank adjacent to the building's lobby. In order to satisfy § 411.3, the Applicant would either need to reconfigure the locations of the stairways and elevator, envelop the three rooftop structures in one large enclosure, or abandon rooftop access. Based on the building design, it would be prohibitively expensive or impractical to comply with the provision. Concerning the appearance of the structures, the application also provides that enclosures would be clad in a brick matching the color of the existing building.

³ Information provided by the Applicant.

⁴ See § 2100.6.

Section 411.5 requires that “enclosing walls from roof level shall be of equal height, and shall rise vertically to a roof” The application proposes that each new enclosure would be of a box shape, but that the enclosures would have different heights. The elevator enclosure would be 15’ high, reflecting the dimensions of the encircled mechanical equipment, the new stairway enclosure would be 8’10” high, and the existing stairway enclosure is 8’9” high. As a result, in order for the three enclosures to be a uniform height, the shorter stairway structures would each need to be raised several feet. Complying with § 411.5 would likely produce more obtrusive structures of no benefit to the owner or to the public.

In order to be granted a special exception, the Applicant also must demonstrate that the criteria described in § 3104 are satisfied.

1. The special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map.

The Zoning Regulations are intended to minimize the visual impact of roof structures. The application indicates that the additional stairway and elevator structures are necessary for safety and handicap accessibility purposes. Due to the configuration of the building and the spacing between existing stairways and the proposed elevator location, constructing one large enclosure of a uniform 15’ height would be unnecessarily conspicuous.

2. The special exceptions will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map.

Approval of the special exception would not adversely affect neighboring properties. The enclosure heights conform to permitted heights under § 770.6(d). The subject Property, which is a corner lot that fronts two streets and an alley, only directly abuts one neighboring property on its western side. The closest proposed roof structure (the elevator enclosure) to a neighboring property would be located approximately 20’ away from the adjacent building to the west. Due to the staggered placement of the proposed roof structures and their distance from neighboring properties, the enclosures should not unduly cast shadows or block air flow to any neighboring properties.

Area Variance: Setback from Exterior Walls (§ 770.6(b))

Section 411.2 specifies that stairway and elevator penthouses must meet the setback requirements of § 770.6. Because § 411.2 is not covered by the special exception allowances of § 411.11, the 1-to-1 setback of § 770.6(b) must be met or the Applicant must seek a variance. Since the proposed stairway and elevator enclosures would not meet the 1-to-1 setback, area variance relief is required.

1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?

The Property exhibits an exceptional condition due to the layout of the vacant pre-1958 building. The building is roughly U-shaped with wings measuring about 40’ in depth. As part of the proposed renovation, the Applicant intends to install an elevator and create a rooftop terrace amenity. The application indicates that the elevator was proposed for a location adjacent to the building lobby for design and handicap accessibility reasons. While the building already contains two existing stairways, only one of them currently extends to the roof. The application provides that additional stairway access to the roof would be needed for safety and emergency purposes. As such, the existing placement of the stairways, the building design, and the need to modernize a vacant building to adequately accommodate affordable senior housing create an exceptional condition.

2. Does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?

The exceptional condition does impose a practical difficulty which is unnecessarily burdensome to the Applicant. The proposed placement of two additional roof enclosures correspond to the existing location of a stairway and the proposed location of an elevator bank to service the building's lobby. The Applicant indicates that the enclosures will be of heights and widths needed to accommodate stairway access to the roof and elevator mechanical equipment. In order to comply with the roof structure setback requirement, the Applicant would need to perform a costly reconfiguration of the building to centralize the enclosures or to forgo a desired rooftop amenity for building residents.

3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

Relief can be granted without detriment to the public good. The elevator enclosure, as it faces Good Hope Road, would be setback 14'3". As such, the setback depth would be deficient by only 9". The elevator and stairway enclosures would have deficient setback depths of 5' (elevator enclosure) and 2'10" (stairway enclosure) from the interior courtyard walls. The impact of the proposed enclosures on the public good would be minimal.

The intent, purpose and integrity of the Zoning Regulations would not be impaired as the building is lower than what is permitted by zoning and the 1910 Height Act, and the penthouse structures would not be in conflict with the Height Act. Further, the Zoning Regulations are intended to minimize the visual impact of roof structures, and the proposed structure locations would have negligible visual impact compared to conforming ones.

Area Variance: Addition to a Nonconforming Structure (§ 2001.3)

1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?

The Property exhibits an exceptional condition due to the site's existing non-conformity to lot occupancy limitations. Section 2001.3 provides that "enlargements or additions may be made to the structure [nonconforming structures devoted to conforming uses]; provided (a) The structure shall conform to percentage of lot occupancy requirements" The existing pre-1958 building occupies 73% of the Property, which exceeds the 60% lot occupancy allowed for residential buildings in C-2-A zones. As a result, any addition to the Property, even when the building's percentage of lot occupancy would remain static, would need relief from the lot occupancy restriction.

2. Does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?

The exceptional condition imposes a practical difficulty which is unnecessarily burdensome to the Applicant. Strict compliance with § 2001.3 would hamper the renovation of a vacant building by prohibiting almost any building additions. In this case, the Applicant would be unable to provide adequate access to a desired rooftop amenity.

3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

Relief can be granted without substantial detriment to the public good or substantially impairing the intent of the Zoning Regulations. While an intent of § 2001.3 is to prevent excessive development on existing lots, the application only proposes to construct two additional roof structures to provide roof access and would not increase the building's footprint or adversely impact the public good.

VIII. COMMUNITY COMMENTS / ANC

OP has viewed a letter from the Single Member District representative for ANC 8A expressing support for the proposal.

To date, OP has not received any response from neighbors of the Property.

IX. CONCLUSION

The Office of Planning (OP) recommends approval of the following requested relief:

- Special exception relief pursuant to § 411.11 to permit multiple roof enclosures of non-uniform heights
- Area variance relief pursuant to § 2001.3 for an addition to a non-conforming structure
- Area variance relief pursuant to § 770.6(b) for roof structure setback.

JS/pg

Paul Goldstein, Case Manager